

In response to the Office Action dated October 11, 2001, the Examiner is requested to consider the following remarks.

#### REMARKS

Claims 1-24, 26-42, 44-49, 51-75, 77-93, 95-100, 102, and 104-106 are pending. Claims 19, 38, 44, 70, 89, 95, and 104-106 are in independent form. Favorable reconsideration is requested.

Claims 19, 20, 23, 24, 27, 32, 33-37, 70, 71, 74, 75, 78, 83-88, and 104 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. No. Patent 5,220,674 (Morgan) in view of U.S. Patent No. 5,764,892 (Cain). Claims 1-18, 52-69, and 103 were rejected over Moran in view of Cain and U.S. Patent No. 5,358,238 (Mandel).

Independent Claim 70 is directed to a response method and recites acquiring a status of a machine to be checked and discriminating a type of error indicated by the acquired status. A response addressee and response medium are determined depending upon the discriminated type of error. Response information representing the discriminated type of error is prepared in accordance with the determined response addressee and medium. The prepared response information is output to the determined response addressee using the determined response medium.

Morgan relates to a local area print server 10 that monitors a status of events occurring internally and within attached printers 16a, 16b. The configuration described in Morgan allows the local area print server 10 to respond to status queries from other components that are part of the network 12. The local area print server 10 also can arrange

to have an appropriate message displayed on an appropriate operator console 20 whenever one of the printers 16a, 16b needs paper (col. 7 lines 30 to 49).

Cain relates to a system for locating and monitoring electronic devices using a security system that causes a client computer to periodically call a host to report its serial number. The host obtains the Caller ID of the calling client to determine the physical location of the device. The Caller ID and the serial number are transmitted to a notifying station to facilitate recovery of the device.

As the Examiner acknowledges, Morgan does not teach or suggest determining a response addressee and response medium depending upon the discriminated type of error, preparing response information representing the discriminated type of error in accordance with the determined response addressee and medium, and outputting the prepared response information to the determined response addressee using the determined response medium, as recited in Claim 70.

Cain does not remedy the shortcomings of Morgan as a reference against Claim 70, as Cain does not teach or suggest, *inter alia*, determining a response addressee and response medium depending upon the discriminated type of error, as recited in Claim 70.

The Examiner takes the position that Cain discloses “a response medium determination means for determining a response medium based on the discriminated type of status in a device”. Office Action at page 3. To support this position, the Examiner points to the discussion of the host monitoring system:

The host monitoring system C notifies the appropriate parties C3 (owner O, law enforcement agency, or monitoring company) of the status of the client device A via suitable

communication means such as electronic mail N1, fax N2, telephone N3 or pager N4. Host monitoring system C also identifies and filters incoming calls C1, and also provides processing, auditing and communication functions C2.

(Cain at col. 4, lines 22-29). While the cited portion of Cain discusses notifying parties via a "suitable" communication medium, the reference is silent as to how a particular medium is chosen, i.e., how a medium is determined to be "suitable". Hence, there is no teaching or suggestion of how to determine a response medium, *much less* determining a response addressee and response medium depending upon the discriminated type of error, as recited in Claim 70.

The Examiner also points to col. 624, lines 1-20 of Cain in this regard. However, this cited portion merely presents claims directed to obtaining the Caller ID information and transmitting to the host system using various media. Again, there is no teaching or suggestion of determining a response addressee and response medium depending upon the discriminated type of error, as recited in Claim 70. Indeed, Cain does not even contemplate discriminating a type of error, *much less* performing an action based on such a discrimination.

Accordingly, it is submitted that Claim 70 is patentable over the combination of Morgan and Cain. Independent Claims 19 and 104 recite features similar to those discussed above with respect to Claim 70, and it is submitted, for the reasons discussed above, that these claims also are patentable over the combination of Morgan and Cain. The other cited reference, Mandel, is not believed to remedy the above-discussed deficiencies of Morgan and Cain in this regard.

Claims 21, 22, 26, 28-31, 38-42, 44-49, 51, 72, 73, 77, 79-82, 89-93, 95-100, 102, 105, and 106 were rejected as obvious over Morgan in view of Cain and U.S. Patent No. 5,485,246 (Hayashi).

Claim 89 recites, *inter alia*, determining whether or not a response has failed as a result of outputting the response information and determining, when it is ascertained that a response has failed, a re-response procedure in which a re-response addressee or a re-response medium is different from the determined response procedure leading to the failed response at response procedure determination means.

As the Examiner acknowledges, the combination of Morgan and Cain does not teach or suggest these claimed features.

Hayashi relates to a control system for collectively supervising a plurality of copiers. Hayashi describes a procedure for communicating between a copier 1 and a control device 141 that is executed by a CPU 100. As shown in Fig. 52, the control device 141 generates a communication request, the CPU 100 determines whether the human body sense flag is set and, if not, the CPU sets up a communication with the control device 14 and then returns. If the human body sense flag is set, the CPU 100 determines that a person is using the copier 1 and inhibits the communication (see, column 27, lines 31 to 40).

The Examiner takes the position that the return step following the inhibited communication corresponds to the recited re-response procedure. However, Hayashi merely repeats the same attempted communication when the human body sense flag is set, rather than executing a re-response procedure in which a re-response addressee or a

re-response medium is different from the determined response procedure leading to the failed response, as recited in Claim 89.

Further in this regard, the Examiner states that "the response procedure is different from the re-response procedure". (Office Action at page 16.) However, that is not what is claimed. Rather, as discussed above, Claim 89 recites that the re-response addressee or the re-response medium differs between the response and the re-response procedures. By contrast, the response addressee and medium in Hayashi are fixed, because, as shown in Figs. 12 and 14, communication occurs between host machine 141 and PPC 1 via CCU 144 or telephone line 142.

Accordingly it is submitted that Claim 89 is not obvious from the combination of Morgan, Cain and Hayashi. Independent Claims 38, 44, 95, 105, and 106 recite features similar to those discussed above with respect to Claim 89, and it is submitted, for the reasons discussed above, that these claims also are not obvious from the combination of Morgan, Cain and Hayashi.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Attorney for Applicants

Registration No. 43,279

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 244685 v 1